

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

X

PETER DINICOLA,

Plaintiff,

-against-

**OPINION AND ORDER**  
05-CV-4968 (SJF) (LB)

MICHAEL CHERTOFF, Secretary of the  
Department of Homeland Security

Defendant.

X

FEUERSTEIN, J.

On October 18, 2005, *pro se* plaintiff Peter DiNicola (“Plaintiff”) commenced this action pursuant to the Age Discrimination in Employment Act of 1967, 29 U.S.C. § 621 *et seq.*, alleging employment discrimination. On August 28, 2006, defendant Michael Chertoff (“Defendant”) moved, pursuant to Fed. R. Civ. P. 12(b)(6), to dismiss Plaintiff’s complaint for failure to state a claim upon which relief can be granted. Plaintiff did not oppose Defendant’s motion. This Court referred the motion to Magistrate Judge Lois Bloom for a Report and Recommendation. On April 30, 2007, Magistrate Judge Bloom issued a Report and Recommendation (the “Report”) recommending that Defendant’s motion be granted and that Plaintiff’s complaint be dismissed. No objections to the Report have been filed. For the reasons stated below, the Court adopts Magistrate Judge Bloom’s Report in its entirety.

A district judge is not required to review the factual or legal conclusions of a magistrate judge as to which no objections are taken. See Alenski v. Potter, No. 03-CV-2179, 2005 WL 1309043, at \*1 (E.D.N.Y. May 18, 2005) (citing Townsend v. Strack, No. 98-CV-5338, 2002

WL 32096572, at\*1 (E.D.N.Y. May 7, 2002)). To accept a Report and Recommendation of a magistrate judge to which no timely objection has been made, the district judge need only be satisfied that there is no clear error on the face of the record. Fed. R. Civ. P. 72(b); In re Health Management Systems, Inc. Securities Litigation, 82 F. Supp. 2d 227, 230 (S.D.N.Y. 2000); Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985). Whether or not proper objections have been filed, the district judge may, after review, accept, reject, or modify any of the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

Plaintiff has not filed any objections to Magistrate Judge Bloom's Report. Upon review, the Court is satisfied that the Report is not facially erroneous. Accordingly, the Court ACCEPTS AND ADOPTS as an Order of the Court the Report in its entirety. The action is dismissed. The Clerk of the Court is directed to close the case.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and therefore *in forma pauperis* status is denied for purpose of an appeal. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

IT IS SO ORDERED.

S/sjf  
Sandra J. Feuerstein  
United States District Judge

Dated: May 16, 2007  
Brooklyn, New York